

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEMONDRA D. MAYO,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

3:09-cv-00316-ECR-RAM

ORDER

The petitioner has presented the Court with an amended motion for appointment of counsel (docket #6), a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (received June 15, 2009) and an application to proceed *in forma pauperis* (#1 and #5).

The petitioner's application to proceed *in forma pauperis*, including the financial certificate, establishes that the petitioner qualifies for *in forma pauperis* status. He shall be granted leave to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus petition. The motions and the petition will be ordered filed and docketed.

The Court will grant petitioner's Motion for Appointment of Counsel. The petition filed in this action includes 2 claims raising issues of petitioner's intellectual functioning in relation to a guilty plea. Furthermore, petitioner faces a lengthy sentence – two consecutive terms of ten years to life for second degree murder.

1 Therefore, the Federal Public Defender for the District of Nevada (FPD) shall be
2 appointed to represent petitioner. If the FPD is unable to represent petitioner, due to a conflict of
3 interest or other reason, then alternate counsel for petitioner shall be located, and the Court will enter
4 a separate order appointing such alternate counsel. In either case, counsel will represent petitioner
5 in all future federal proceedings relating to this matter (including subsequent actions) and appeals
6 therefrom, unless allowed to withdraw.

7 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
8 *pauperis* (docket #5) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his
9 habeas corpus petition. The Clerk shall file the petition, which shall be served
10 **ELECTRONICALLY** upon respondents.

11 **IT IS FURTHER ORDERED** that petitioner's amended Motion for Appointment of
12 Counsel (docket #6) is **GRANTED**. Counsel shall be appointed to represent petitioner.

13 **IT IS FURTHER ORDERED** that the Clerk shall **SEND** the Federal Public
14 Defender for the District of Nevada (FPD) a copy of this Order, together with a copy of the petition
15 for writ of habeas corpus and its attachments (docket #2). The FPD shall have thirty (30) days from
16 the date of entry of this Order to undertake direct representation of petitioner or to indicate to the
17 Court its inability to represent petitioner in these proceedings.

18 **IT IS FURTHER ORDERED** that the Clerk shall **RESUBMIT** this case to the
19 Court after the FPD has appeared as counsel for petitioner, after the FPD has indicated its inability to
20 represent petitioner, or after thirty (30) days from the entry of this Order, whichever occurs first.

21 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this
22 case, the Court will issue a scheduling order, which will, among other things, set a deadline for the
23 filing of a First Amended Petition.

24 Dated this 22nd day of April, 2010.

25 
26 UNITED STATES DISTRICT JUDGE